

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2628**

**Introduced by Assembly Member Levine**

(Principal coauthor: Senator Jackson)

**(Coauthors: Assembly Members Bonta, Campos, Chau, Chiu, Chu, Eggman, Cristina Garcia, Gomez, McCarty, Nazarian, Thurmond, Weber, Williams, and Wood)**

(Coauthor: Senator McGuire)

February 19, 2016

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An act to ~~add Section 87406.5 to~~ *amend Section 87505 of, and to add Sections 87406.5 and 87506 to,* the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL’S DIGEST

AB 2628, as amended, Levine. Political Reform Act of 1974: ~~postgovernmental employment.~~ *employment restrictions.*

The Political Reform Act of 1974 *generally prohibits a public official, as defined, from making, participating in making, or using his or her official position to influence a governmental decision in which the official has a financial interest. The act also requires the disclosure of specified financial interests of certain public officials on a statement of economic interests, which is filed annually. The act imposes certain restrictions on postgovernmental employment of specified public officials of state and local agencies.*

*This bill would require each state agency and each local agency that maintains an Internet Web site to make the statements of economic interests filed by the agency’s elected and appointed officials available on the agency’s Internet Web site.*

This bill would prohibit an elected or appointed officer of a state or local agency, *while holding office and* for a period of one year after leaving office, from *engaging in specified conduct, including* maintaining employment with or being a compensated consultant of any other board, commission, or other body on which the officer served as a member while holding the elective or appointed ~~office~~, *office, performing services that would qualify the officer as a lobbyist, and performing services as a compensated consultant or employee of an entity having a direct financial interest in a permit, regulatory, or enforcement action pending before the agency.*

A violation of the act is punishable as a ~~misdemeanor~~ *by misdemeanor*. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. *The bill would also impose a state-mandated local program by increasing the duties imposed on local officials.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 87406.5 is added to the Government Code, to read:

87406.5. An elected or appointed officer of a state or local agency, *while holding office and* for a period of one year after leaving office, shall not ~~maintain~~ *do any of the following*:

(a) *Maintain* employment with or be a compensated consultant of any board, commission, or other body on which the officer *serves or* served as a member while holding the elective or appointed office.

(b) *Perform services that would qualify the officer as a lobbyist.*

(c) *Perform services as a compensated consultant or employee of an entity having a direct financial interest in a permit, regulatory, or enforcement action pending before the agency.*

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

*SEC. 2. Section 87505 of the Government Code is amended to read:*

87505. Each city clerk or county clerk who maintains an Internet Web site shall post on that Internet Web site a notification that includes all of the following:

(a) A list of the elected officers identified in Section 87200 who file statements of economic interests with that city clerk or county clerk pursuant to Section 87500.

(b) A statement that copies of the statements of economic interests filed by the elected officers described in subdivision (a) may be obtained by visiting the offices of the Commission or that city clerk or county clerk, ~~as appropriate.~~ *appropriate, or the Internet Web site of the city or county.* The statement shall include the physical address for the Commission's office and the city clerk's office or the county clerk's office, as appropriate.

1 (c) A link to the Commission's Internet Web site and a statement  
2 that statements of economic interests for some state and local  
3 government agency elected officers may be available in an  
4 electronic format on the Commission's Internet Web site.

5 *SEC. 3. Section 87506 is added to the Government Code, to*  
6 *read:*

7 *87506. Each state agency and each local agency that maintains*  
8 *an Internet Web site shall make each statement of economic*  
9 *interests filed with the agency's filing officer by an elected or*  
10 *appointed official of the agency publicly available on the agency's*  
11 *Internet Web site.*

12 *SEC. 4. No reimbursement is required by this act pursuant to*  
13 *Section 6 of Article XIII B of the California Constitution for certain*  
14 *costs that may be incurred by a local agency or school district*  
15 *because, in that regard, this act creates a new crime or infraction,*  
16 *eliminates a crime or infraction, or changes the penalty for a crime*  
17 *or infraction, within the meaning of Section 17556 of the*  
18 *Government Code, or changes the definition of a crime within the*  
19 *meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*

21 *However, if the Commission on State Mandates determines that*  
22 *this act contains other costs mandated by the state, reimbursement*  
23 *to local agencies and school districts for those costs shall be made*  
24 *pursuant to Part 7 (commencing with Section 17500) of Division*  
25 *4 of Title 2 of the Government Code.*

26 ~~SEC. 3.~~

27 *SEC. 5. The Legislature finds and declares that this bill furthers*  
28 *the purposes of the Political Reform Act of 1974 within the*  
29 *meaning of subdivision (a) of Section 81012 of the Government*  
30 *Code.*